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Dated: 10-4-04 Signature: Maura A. Gallagher
(Maura A. Gallagher)

Docket No.: CDPC-P01-011
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel W. English

Application No.: 10/727139

Confirmation No.: 5324

Filed: December 2, 2003

Art Unit: 3623

For: DISTRIBUTED SYSTEMS FOR
DETERMINING CARD STATUS

Examiner: Not Yet Assigned

**PETITION UNDER 37 CFR 1.47(b) AND
STATEMENT OF FACTS IN SUPPORT OF THE PETITION**

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Mr. Daniel W. English participated in the conception of the subject matter disclosed in US provisional patent Application Serial No. 60/430494 filed December 2, 2002, to which the above-referenced US Application Serial No. 10/727139 filed December 2, 2003 (the "Application") claims priority.

2. To the best of my knowledge, Mr. Daniel W. English is a sole inventor of the Application.

3. Mr. English's last known mailing address is:

11 Redwood Road
Salem, NH 03079

4. On March 9, 2004, ROPES & GRAY LLP mailed a copy of the application as filed, along with a Declaration for Mr. English's signature, to Mr. Geoff Devine, Vice President, Systems Engineering at Cedar Point Communications, Inc. Mr. Devine informed us he forwarded the Application and Declaration to Mr. English directly.

5. On June 17, 2004, ROPES & GRAY LLP emailed Mr. Devine requesting that the signed declaration be returned by July 4, 2004 indicating that we were currently in the second extension.

6. As of October 4, 2004, Mr. English has failed to sign the Declaration and provide the same to ROPES & GRAY LLP.

7. Mr. English's failure to sign the Declaration, after numerous requests, constitutes a refusal to sign which will result in irreparable damage to Cedar Point Communications, Inc. in that the Application will become abandoned unless the Petition under 37 CFR 1.47(b) is granted. Such abandonment could result in the loss of U.S. proprietary rights in and to the technology embraced by the Application.

8. An unexecuted Declaration is enclosed herewith.

The petition fee of \$130 under 37 CFR 1.17(h) is enclosed herewith. If additional fees are due with this response, please charge our Deposit Account No. 18-1945, under Order No. CDPC-P01-011 from which the undersigned is authorized to draw.

Dated: October 4, 2004

Respectfully submitted,

By

Edward J. Kelly

Registration No.: 38,936

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